IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN ITS INSOLVENCY JURISDICTION

NOTICE OF MOTION NO.18 OF 2005

IN

INSOLVENCY PETITION NO.31 OF 2002

Re : Rajesh D. Vora ..Judgment Debtor.

Ex-parte:

Aarti Mehta ..Petitioning Creditor.

and

Rajesh Dhirajlal Vora ..Applicant.

Vs.

The Official Assignee

High Court, Bombay ..Respondent.

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Mr.Gautam Panchal i/b M/s.Bilawala & Co. for the Petitioning Creditor.

Mr.B.B.Parekh for the Applicant.

Mr.K.B.Poojari, Official Assignee present.

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CORAM : DR.D.Y.CHANDRACHUD, J.

15th March, 2005.

P.C. :

The act of insolvency was committed on 25th December, 2001. The order of adjudication was passed on 5th August, 2003. Once an order of adjudication is passed, then under Section 51 of the Presidency Towns Insolvency Act, 1909, the insolvency of the debtor is deemed to have relation back to and to commence at the time of commission of the act of insolvency on which an order of adjudication is made against him. After the act of insolvency was committed on 25th December, 2001 and to which the order of adjudication relates, the insolvent surrendered nine life insurance polies between 28th January, 2002 and 30th January, 2002 and received an amount of Rs.1,74,476.90. The direction by the Official Assignee to the Insolvent to bring back the aforesaid proceeds is consistent with law. There is no merit in the Motion which is accordingly rejected.